

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Division

Case No.

(to be filled in by the Clerk's Office)

Clairmont Donald, Din#2991

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with full list of names.)

-v-

GREAT MEADOW CORRECTIONAL FACILITY:
And EX-(ABE-1)SCHOOL TEACHER KING,
in her Individual and Official Capacity

See Attachment Sheet

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birthdate; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

ATTACHMENT SHEET CITING DEFENDANTS

-----X
CLAIRMONT DONALD, Din#18A2991

-V-

SERGEANT S. LEONARD: SERGEANT JOHN DOE:
C/O T. LAFOUNTAIN: And 12 Additional C/O
JOHN DOE'S; all in their individual and
Official Capacities.

-----X

-----ATTACHMENT TO SECTION-B-----

1) U.S.CONSTITUTIONAL 14th, AMENDMENT Denial of due Process of Law, The Defendants herein; accused, charged, sentence and punished Plaintiff, by beating him within minutes of death., without due process of law, Under the Color of law.

2) U.S.CONSTITUTIONAL 8th, AMENDMENT Cruel and Unusosl Punishment, The actions of these Defendant's cited above is Crual and Unusosl Punishment.

Please see: the two (2) Inmate MisBehavior reports that have been Dismissed, Also Attached.

--- SECTION D STATEMENT OF FACTS UNDERLYING CLAIMS ---

On (9/27//2019) at approximately 1:30pm, (ABE-1) School teacher KING; reported Fabricated, false allegations, Charging that I, Clairmont Donald, Din#18A2991, Cut her upper left thigh area.

Thereinafter; Sergeant S. Leonard, and another Sergeant John Doe; along with 12- Additional Corrcetional Officers, Ordered Plaintiff; Clairmont Donald, out of the Classroom, within he Donald was Handcuffed and Shackled; **and** said defendants Started **to beat and drag** Plaintiff, throwing down the stair's kicking and stomping on him along the way down, and continued to beat and dragged **him**, all the to the Medical unit, ordering the Staff out of said unit, denying plaintiff any medical assistance and dragged him into a back room, tying up his cuffed hands over his head and putting a plastic-bag over his head torturing him as they continued to punch, kick and beat him Using a club now, striking his arms, neck, Shoulders, Back, and Legs somemore!

CONTINUED

--- SECTION D STATEMENT OF FACTS UNDERLYING CLAIMS ---

THEREIN; within seconds of dying at the hands of the of my (DOCCS) ATTACKERS; an unknown appear's yelling stop!, Stop!, "KING; was lying she confessed to have made it all up! STOP it I.G. just worked into the building...wherein; everybody run out and away.

Note: Plaintiff; never even attempted to resist, any order's, Nor could he once he as he immediately submitted to being placed in Restraining's (Handcuff's and Shackles).

Sworn to under the penalty of perjury pursuant to 28 U.S.C. § 1746, and
and signed by my hand, On this 25 day of July 2022.

X *Blair Ronald*

(ii)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Clairmont Donald Din# 18A2991</u>		
All other names by which you have been known:	<u></u>		
ID Number	<u></u>		
Current Institution	<u>SULLIVAN CORRECTIONAL FACILITY</u>		
Address	<u>P.O.Box-116/325 Riverside Drive</u>		
	<u>Fallsburg,</u>	<u>New York</u>	<u>12733-0116</u>
	<i>City</i>	<i>State</i>	<i>Zip Code</i>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>GREAT MEADOW CORRECTIONAL FACILITY</u>		
Job or Title (<i>if known</i>)	<u>Route-22 / Box-51</u>		
Shield Number	<u>Comstock, New York 12821-0051</u>		
Employer	<u></u>		
Address	<u></u>		
	<u></u>	<u></u>	<u></u>
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	<u>Ex-(ABE-1) School TEACHER KING</u>		
Job or Title (<i>if known</i>)	<u>Route-22 / Box-51</u>		
Shield Number	<u>Comstock, New York 12821-0051</u>		
Employer	<u></u>		
Address	<u></u>		
	<u></u>	<u></u>	<u></u>
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

☒ Individual capacity ☒ Official capacity

☒ Individual capacity ☒ Official capacity

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. §1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. School Teacher King; Falsely Fabricated allegations/Charges, causing the defendants to Charge Convict, and sentence Plaintiff: by Beating him near death, for a crime/Charges later dismissed, that same day. Please see; Attached

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (*explain*) _____

IV. Statement of claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Great Meadow Correctional Facility, On September 27, 2019

C. What date and approximate time did the events giving rise to your claim(s) occur?

On September 27 th, 2019, at approximately 1:30pm

D. What are the facts underlying your claim(s)? *(For example: what happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Please see: attachment(Section D Statement of Facts Underlying claims)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Plaintiff: suffer's perpetual pain caused by said assault and Battery to wit; pain to his neck; back; right shoulder; left leg; with continued on-going swelling, pain and nerve damage to his left leg and upper left backside, and is currently receiving Physical therapy.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, included the amounts of any damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff; avers due to the special and punitive damages of malicious prosecution, Assault and battery causing great bodily harm, I am suing for Ten Million Dollars and that these defendant's be prosecuted under civil rights for their violative misconduct under the color of Law.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"). 42 U.S.C. §1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or other Federal law, by a prisoner confined in any jail, prison or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievances procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

GREAT MEADOW CORRECTIONAL FACILITY

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

NON GRIEVABLE ISSUE'S: as these issues can not be remedied by a Grievance

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

☐ Do not know

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

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F. If you did file a grievance:

1. If there are any reasons why you did not file a grievance, stat them here:

Non-Grievable issue(Per.DOCCS) Directive

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their responses, if any:

(DOCCS)Inspector; whoinvestigated and Had KING fired, don't know any more.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) Donald Clairmont

Defendant(s) State of new york

2. Court *(if federal court, name the district; if state court, name the county and state)*

Court of claims State of New york

3. Docket or index number

136090

4. Name or judge assigned to your case

Francis T. Collins

5. Approximate date of filing lawsuit

12/23/2019

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

pending

C. Have you field other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? No

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and state)*

N/A

3. Docket or index number

N/A

4. Name or judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

IX. Certification and Closing

Under Federal Rules of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 25, 2022

Signature of Plaintiff X Clairmont Donald

Printed Name of Plaintiff Clairmont Donald

Prison Identification # 18A2991 P.O.Box-116

Prison Address Sullivan Correctional Facility, 325 Riverside drive
Fallsburg, New York 12733-0116
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Prison Address _____

City State Zip Code

Telephone Number _____

E-mail Address _____